

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 2, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 11-8-1-11 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 5 1, 2007]: **Sec. 11. "Tier 1 sex offender" means a sex offender who**
- 6 **is not a Tier 2 or Tier 3 sex offender.**
- 7 SECTION 2. IC 11-8-1-12 IS ADDED TO THE INDIANA CODE
- 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 9 1, 2007]: **Sec. 12. "Tier 2 sex offender" means:**
- 10 **(1) a person who has been convicted of one (1) or more of the**
- 11 **following offenses:**
- 12 **(A) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)),**
- 13 **if the victim is less than eighteen (18) years of age.**
- 14 **(B) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).**
- 15 **(C) Human trafficking (IC 35-42-3.5-1(c)(3)), if the victim**
- 16 **is less than eighteen (18) years of age.**
- 17 **(D) Promoting prostitution (IC 35-45-4-4), if the victim is**
- 18 **less than eighteen (18) years of age.**
- 19 **(E) Sexual battery (IC 35-42-4-8), if the victim is at least**
- 20 **thirteen (13) years of age but less than eighteen (18) years**
- 21 **of age.**

(F) Vicarious sexual gratification involving:

**(i) the use of force or a controlled substance
(IC 35-42-4-5(a)(2)); or**

(ii) serious bodily injury (IC 35-42-4-5(a)(3);

if the victim is at least thirteen (13) years of age.

(G) Child exploitation (IC 35-42-4-4(b)).

(H) Child seduction (IC 35-42-4-7).

**(I) An attempt or a conspiracy to commit an offense
described in clauses (A) through (H); or**

**(2) a person who, being a Tier 1 sex offender, is convicted of
a subsequent sex offense.**

The term does not include a person who is a Tier 3 sex offender.

SECTION 3. IC 11-8-1-13 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2007]: **Sec. 13. "Tier 3 sex offender" means the following:**

(1) A person convicted of one (1) of the following offenses:

(A) Rape (IC 35-42-4-1).

(B) Criminal deviate conduct (IC 35-42-4-2).

(C) Child molesting (IC 35-42-4-3).

**(D) Kidnapping (IC 35-42-3-2), if the victim is less than
eighteen (18) years of age, and the person who kidnapped
the victim is not the victim's parent or guardian.**

**(E) Criminal confinement (IC 35-42-3-3), if the victim is
less than eighteen (18) years of age and the person who
confined or removed the victim is not the victim's parent
or guardian.**

**(F) Sexual battery (IC 35-42-4-8), if the victim is less than
thirteen (13) years of age.**

(G) Vicarious sexual gratification involving:

**(i) the use of force or a controlled substance
(IC 35-42-4-5(a)(2)); or**

(ii) serious bodily injury (IC 35-42-4-5(a)(3);

if the victim is less than thirteen (13) years of age.

**(H) An attempt or a conspiracy to commit an offense
described in clauses (A) through (G).**

**(2) A child who is adjudicated as a delinquent child for an act
that, if committed by an adult, would constitute:**

(A) rape (IC 35-42-4-1);

(B) criminal deviate conduct (IC 35-42-4-2); or

**(C) child molesting involving sexual intercourse
(IC 35-42-4-3(a));**

if the child was at least fourteen (14) years of age at the time

1 **the offense was committed.**

2 **(3) A person who, being a Tier 2 sex offender, is convicted of**
 3 **a subsequent sex offense.**

4 SECTION 4. IC 11-8-8-5, AS ADDED BY P.L.173-2006,
 5 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2007]: Sec. 5. (a) As used in this chapter, "sex offender"
 7 means a person convicted of any of the following offenses:

8 (1) Rape (IC 35-42-4-1).

9 (2) Criminal deviate conduct (IC 35-42-4-2).

10 (3) Child molesting (IC 35-42-4-3).

11 (4) Child exploitation (IC 35-42-4-4(b)).

12 (5) Vicarious sexual gratification (IC 35-42-4-5).

13 (6) Child solicitation (IC 35-42-4-6).

14 (7) Child seduction (IC 35-42-4-7).

15 (8) Sexual misconduct with a minor as a Class A, Class B, or
 16 Class C felony (IC 35-42-4-9), **unless:**

17 **(A) the person is convicted of sexual misconduct with a**
 18 **minor as a Class C felony;**

19 **(B) the person is not more than four (4) years older than**
 20 **the victim; and**

21 **(C) the sentencing court finds that the person should not be**
 22 **required to register as a sex offender.**

23 (9) Incest (IC 35-46-1-3).

24 (10) Sexual battery (IC 35-42-4-8).

25 (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 26 (18) years of age **and the person who kidnapped the victim is**
 27 **not the victim's parent or guardian.**

28 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
 29 than eighteen (18) years of age **and the person who confined or**
 30 **removed the victim is not the victim's parent or guardian.**

31 (13) Possession of child pornography (IC 35-42-4-4(c)). ~~if the~~
 32 ~~person has a prior unrelated conviction for possession of child~~
 33 ~~pornography (IC 35-42-4-4(c)).~~

34 **(14) Promoting prostitution (IC 35-45-4-4), if the victim is less**
 35 **than eighteen (18) years of age.**

36 **(15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)), if**
 37 **the victim is less than eighteen (18) years of age.**

38 **(16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).**

39 **(17) Human trafficking (IC 35-42-3.5-1(c)(3)), if the victim is**
 40 **less than eighteen (18) years of age.**

41 ~~(14)~~ **(18) An attempt or conspiracy to commit a crime listed in**
 42 **subdivisions (1) through (13): (17).**

~~(15)~~ **(19)** A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through ~~(14)~~. **(18)**.

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) unless the delinquent act committed by the child would, if committed by an adult, be:

(i) rape (IC 35-42-4-1);

(ii) criminal deviate conduct (IC 35-42-4-2); or

(iii) child molesting involving sexual intercourse (IC 35-42-4-3(a));

is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 5. IC 11-8-8-7, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex offender who resides in Indiana. A sex offender resides in Indiana if either of the following applies:

(A) The sex offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding fourteen (14) consecutive days; or

(B) for a total period exceeding thirty (30) days;

during any calendar year in Indiana, whether the sex offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex offender who is enrolled or intends to be enrolled on a

1 full-time or part-time basis in any public or private educational
2 institution, including any secondary school, trade, or professional
3 institution, or institution of higher education in Indiana.

4 (b) Except as provided in subsection (e), a sex offender who resides
5 in Indiana shall register with the local law enforcement authority in the
6 county where the sex offender resides. If a sex offender resides in more
7 than one (1) county, the sex offender shall register with the local law
8 enforcement authority in each county in which the sex offender resides.
9 If the sex offender is also required to register under subsection (a)(2)
10 or (a)(3), the sex offender shall also register with the local law
11 enforcement authority in the county in which the offender is required
12 to register under subsection (c) or (d).

13 (c) A sex offender described in subsection (a)(2) shall register with
14 the local law enforcement authority in the county where the sex
15 offender is or intends to be employed or carry on a vocation. If a sex
16 offender is or intends to be employed or carry on a vocation in more
17 than one (1) county, the sex offender shall register with the local law
18 enforcement authority in each county. If the sex offender is also
19 required to register under subsection (a)(1) or (a)(3), the sex offender
20 shall also register with the local law enforcement authority in the
21 county in which the offender is required to register under subsection
22 (b) or (d).

23 (d) A sex offender described in subsection (a)(3) shall register with
24 the local law enforcement authority in the county where the sex
25 offender is enrolled or intends to be enrolled as a student. If the sex
26 offender is also required to register under subsection (a)(1) or (a)(2),
27 the sex offender shall also register with the local law enforcement
28 authority in the county in which the offender is required to register
29 under subsection (b) or (c).

30 (e) A sex offender described in subsection (a)(1)(B) shall register
31 with the local law enforcement authority in the county in which the real
32 property is located. If the sex offender is also required to register under
33 subsection (a)(1)(A), (a)(2), or (a)(3), the sex offender shall also
34 register with the local law enforcement authority in the county in which
35 the offender is required to register under subsection (b), (c), or (d).

36 (f) A sex offender committed to the department shall register with
37 the department before the sex offender is released from incarceration.
38 The department shall forward the sex offender's registration
39 information to the local law enforcement authority of every county in
40 which the sex offender is required to register.

41 (g) ~~This subsection does not apply to a sex offender who is a~~
42 ~~sexually violent predator.~~ A sex offender not committed to the

department shall register not more than ~~seven (7) days~~ **seventy-two (72) hours** after the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sex offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex offender's arrival in that county or acquisition of real estate in that county.

~~(h) This subsection applies to a sex offender who is a sexually violent predator. A sex offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex offender:~~

- ~~(1) is released from a penal facility (as defined in IC 35-41-1-21);~~
- ~~(2) is released from a secure private facility (as defined in IC 31-9-2-115);~~
- ~~(3) is released from a juvenile detention facility;~~
- ~~(4) is transferred to a community transition program;~~
- ~~(5) is placed on parole;~~
- ~~(6) is placed on probation;~~
- ~~(7) is placed on home detention; or~~
- ~~(8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);~~

~~whichever occurs first. A sex offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.~~

~~(i)~~ **(h)** The local law enforcement authority with whom a sex offender registers under this section shall make and publish a photograph of the sex offender on the Indiana sex offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5 ~~at least once per year. every time the sex offender registers in person.~~ The sheriff of a county

containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex offender registry web site established under IC 36-2-13-5.5.

~~(j)~~ **(i)** When a sex offender registers **or updates a registration**, the local law enforcement authority shall:

(1) immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5; ~~and~~

(2) notify every law enforcement agency having jurisdiction in the county where the sex offender resides; **and**

(3) notify every school and public housing agency in each county where the sex offender is required to register.

The local law enforcement authority shall provide the department, ~~and~~ a law enforcement agency described in subdivision (2), **and a school and public housing agency described in subdivision (3)** with the information provided by the sex offender during registration.

SECTION 6. IC 11-8-8-8, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The registration required under this chapter must include the following information:

(1) The sex offender's full name, alias, any name by which the sex offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification number, principal residence address, and mailing address, if different from the sex offender's principal residence address.

(2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.

(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana.

(4) A recent photograph of the sex offender.

(5) If the sex offender is a sexually violent predator, that the sex offender is a sexually violent predator.

(6) If the sex offender is required to register for life, that the sex offender is required to register for life.

(7) The license plate number and a description of any vehicle owned or operated by the sex offender.

~~(7)~~ **(8)** Any other information required by the department.

SECTION 7. IC 11-8-8-14, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. ~~At least once per calendar year,~~ **(a)** A sex offender who is required to register under this chapter shall:

(1) report in person to the local law enforcement authority;

(2) register; and

(3) be photographed by the local law enforcement authority;

in each location where the offender is required to register **as often as required under subsection (b).**

(b) A sex offender shall report, register, and be photographed as required under subsection (a) as follows:

(1) A tier 1 sex offender shall report, register, and be photographed at least one (1) time per year.

(2) A tier 2 sex offender shall report, register, and be photographed at least one (1) time every one hundred eighty (180) days.

(3) A tier 3 sex offender shall report, register, and be photographed at least one (1) time every ninety (90) days.

SECTION 8. IC 11-8-8-19, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. ~~(a) Except as provided in subsections (b) through (e), a sex offender is required to register under this chapter until the expiration of ten (10) years after the date~~ **The registration period for a sex offender required to register under this chapter begins on the date the sex offender:**

(1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;

(2) is placed in a community transition program;

(3) is placed in a community corrections program;

(4) is placed on parole; or

(5) is placed on probation;

whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex offender is notified that

the obligation to register has expired.

(b) Except as provided in subsection (e), a tier 1 sex offender shall register for fifteen (15) years.

(c) A tier 2 sex offender shall register for twenty-five (25) years.

(d) Except as provided in subsection (f), a tier 3 sex offender shall register for life.

(e) The fifteen (15) year registration period for a tier 1 sex offender shall be reduced to ten (10) years if the following conditions are met during the first ten (10) years of the registration period:

(1) The sex offender is not convicted of a:

(A) felony; or

(B) sex offense.

(2) The sex offender successfully completes any period of probation, parole, community corrections, community transition, or other period of supervised release, if applicable.

(3) The sex offender successfully completes a sex offender treatment program approved by:

(A) a court;

(B) a community corrections program; or

(C) the department.

(f) The lifetime registration period for a tier 3 sex offender who is classified as a tier 3 sex offender based on the sex offender's adjudication as a delinquent shall be reduced to the period during which the sex offender has already registered as a sex offender if the following conditions are met during any twenty-five (25) year period in which the sex offender is required to register as a tier 3 sex offender:

(1) The sex offender is not convicted of a:

(A) felony; or

(B) sex offense.

(2) The sex offender successfully completes any period of probation, parole, community corrections, community transition, or other period of supervised release, if applicable.

(3) The sex offender successfully completes a sex offender treatment program approved by:

(A) a court;

(B) a community corrections program; or

(C) the department.

~~(b) A sex offender who is a sexually violent predator is required to register for life:~~

~~(c) A sex offender who is convicted of at least one (1) sex offense~~

- 1 that the sex offender committed:
- 2 (1) when the person was at least eighteen (18) years of age; and
- 3 (2) against a victim who was less than twelve (12) years of age at
- 4 the time of the crime;
- 5 is required to register for life:
- 6 (d) A sex offender who is convicted of at least one (1) sex offense
- 7 in which the sex offender:
- 8 (1) proximately caused serious bodily injury or death to the
- 9 victim;
- 10 (2) used force or the threat of force against the victim or a
- 11 member of the victim's family; or
- 12 (3) rendered the victim unconscious or otherwise incapable of
- 13 giving voluntary consent;
- 14 is required to register for life:
- 15 (e) A sex offender who is convicted of at least two (2) unrelated sex
- 16 offenses is required to register for life."
- 17 Page 1, line 3, delete ":".
- 18 Page 1, line 4, delete "(1)".
- 19 Page 1, line 4, after "of" insert "at least one (1) of the following
- 20 offenses".
- 21 Run in lines 3 through 4.
- 22 Page 1, delete lines 5 through 17, begin a new line single block
- 23 indented, and insert:
- 24 **(1) Child molesting involving intercourse or deviate sexual**
- 25 **conduct (IC 35-42-4-3(a), if:**
- 26 **(A) the offense is committed by a person at least**
- 27 **twenty-one (21) years of age; and**
- 28 **(B) the victim is less than twelve (12) years of age.**
- 29 **(2) Child molesting (IC 35-42-4-3) resulting in serious bodily**
- 30 **injury or death.**
- 31 **(3) Murder (IC 35-42-1-1), if:**
- 32 **(A) the person killed the victim while committing or**
- 33 **attempting to commit child molesting (IC 35-42-4-2);**
- 34 **(B) the victim was the victim of a sex crime under**
- 35 **IC 35-42-4 for which the person was convicted; or**
- 36 **(C) the victim of the murder was listed by the state or**
- 37 **known by the person to be a witness against the person in**
- 38 **a prosecution for a sex crime under IC 35-42-4 and the**
- 39 **person committed the murder with the intent to prevent**

- 1 **the person from testifying."**
- 2 Page 2, delete lines 1 through 13.
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 2 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 5, Nays 2.

Senator Steele, Chairperson